

SALT LAKE HERALD.

SALT LAKE CITY, UTAH.

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DO YOU WANT GOOD LUCK?

TO ALL WHO ADVERTISE IN THE HERALD

These are flush times with the banks - of adverbs.

THE LOUISVILLE convention failed to be boom-de-young.

TAKE NOTICE, girls! The bang is de trop; it belongs to the birds' nests of 1860.

JUDGE LANNAN ought to have adopted the TOM REED tactics and "counted" a quorum.

THE GOVERNOR of Oregon is not quite a court of PENROSE and terminer.

Now is the time to organize a thorough system of collecting household garbage in Salt Lake.

AN INDIAN named SINDA HA HA was in Omaha the other day, and called on Dr. MILLER.

AN ORDINARY beef steak costs a dollar in Chicago. Down with the rubber and sole-leather trusts!

NOTWITHSTANDING THE GRAY law of Chinese exclusion, a Missouri girl married WAN HOP, the other day.

BOSS POWERS' proposed silver party reminds one of the toper's toast: "Here's to h-l; that takes us all in."

THE WORLD'S fair has produced a corner on girls. The help question in the east is even more complicated than it was before.

BOSS POWERS makes a big mistake in not organizing a new party on the principles enunciated in the sermon on the Mount.

WASHINGTON CITY has recently finished a big hall that will hold 10,000 people. It was not built to contain the office seekers, however.

BISMARCK and other big opponents of Kaiser WILHELM decline to run for the new parliament. The military bill will go through next time.

Who would have thought the grand scheme would have given up the performance in the big tent for a little peanut and red lemonade side show?

THE REPORT that the Navajos have killed Lieut. PLUMMER proves false. If he had spelt his name with a "b" there might have been some excuse for it.

NOW THAT the railroad fares are down, a visit to the World's fair would be very cheap, if it were not for thirst and appetite and wanting a place where to sleep.

IT TURNS out that by actual measurement Governor PENROSE is less than seven feet high. We thought from his deep base utterances he was at least ten.

AS THERE is very little as yet at the World's fair but the exterior buildings and grounds, a decision to close the buildings and open the grounds seems to cover the whole case.

THE REVOLVERS of JESSE and FRANK JAMES, now owned by ex-Governor CRITTENDEN of Missouri, will be kept in a safe deposit box whilst CRITTENDEN is serving as consul to Mexico.

THERE is a provision in the certification papers under the civil service rules that the applications must not be signed by members of Congress. If the rule prevailed outside of the classified service, it would remove a great burden from Congressmen, whose time is so much occupied with this sort of business.

groomman, whose time is so much occupied with this sort of business.

A SOUTH American man at Washington feels greatly encouraged about Argentine affairs. "But a little while ago a gold dollar was worth \$1.50 in paper, but now it is worth only \$3.10." Looks like Southern Confederacy.

IT WILL now be in order to organize a political party in Utah on the several planks in the platform of ENCLID, especially the proposition that the sum of the three angles of every plane triangle is equal to two right angles.

THE TUSCARORA Silver party which has not yet materialized might be organized on the basis of the converse of the old grammatical rule, "Two or more negatives coming together in the same sentence are equivalent to an affirmative."

LEVI P. MORTON, Governor MCKINLEY, HENRY CAROT LODGE, TOM REED, ex-Governor FORAKER, BENJAMIN HARRISON and a few others of that size were conspicuously absent at Louisville. But ARTHUR BROWN and FRANK CANNON were there.

THE TREASURY department at Washington has a queer case before it, involving the question of whether natural gas is or is not a mineral product and comes under the tariff laws. Testimony is being taken of MAJ. POWELL of the geological survey and other scientific persons.

CONGRESSMAN CARUTH of Kentucky was about to have a change made in one of the postoffices of his state, when it was ascertained that the postmaster was a lady whom Mrs. CARUTH had been getting all her friends to endorse. The postmaster-general is in a dilemma.

THE RECORD of a mile in 32 seconds, equivalent to 112 1/2 miles an hour, made the other day by a locomotive hauling the Empire State express, and the new ocean greyhound record of about 26 miles an hour, set new paces of land and sea travel. Time and space are fast being annihilated.

A MEETING is advertised to take place this week at Chicago of non-partisan farmers whose purpose is to wrest the Grange and kindred organizations out of the hands of the politicians. We fear that in the attempt to dodge this class of malefactors our bucolic friends will fall into the hands of other confidence men.

THE SELLING price of the ISABELLA souvenir quarter, for which \$10,000 was appropriated out of the women's department of the World's fair, has been established at \$1, or a premium of six bits per ISABELLA souvenir. Thus the ladies, God bless 'em! have shown an aptitude in finance infinitely beyond all the examples thus far set by the oppressor, man.

JUDGE LANNAN and his committee on pianos, harps and other instruments, recommended that THEODORE THOMAS be fired for permitting members of his orchestra to receive bribes for using only the brands of certain makers. THOMAS has long carried things with a high hand, and it is time he were called down and some of the wind jammed out of him.

AMONG the other vexations of President CLEVELAND are the stories told him by WADE HAMPTON, AMOS CUMMINGS and Commissioner MILLER about the way the fish are biting in various waters not a day's journey from Washington. If there is anything that will take an angler's mind off his business when the spring fever sets in, it is stories of this nature.

MAYOR HARRISON of Chicago set fire with a match the other day to a persistent alderman's gray whiskers, who got his head inside the mayor's door and tried to force his body in, against that functionary's orders. It was for a time hard to tell which was the hottest, the burning beard or the alderman's swear words, but Mr. HARRISON was cool all the time.

THE DECISION of the Chicago lawyer that under the act of congress granting the World's fair \$2,500,000 provided it be closed on Sundays, the terms of the law will be complied with if the buildings are shut up, is a good deal of money in the pockets of the management. It keeps the machinery and inanimate exhibitions from violating the Sabbath, and leaves all that to the grass-plot, the exterior statuary, paintings, architecture, etc., together with the visual organs of the people.

THE RESTAURANT concessionaires of the World's fair have refused to put California wines on their menu cards without a subsidy, which is practically a prohibition; and LELAND STANFORD, H. M. ESTEE and other wine-growers of that state have registered an altitudinous kick, asking to have a native wine annex to the California building. They seem to be desirous of reversing the uses of the stomach pump.

THE Reservoir Question. There are large reservoirs constructed by the government in the neighborhood of the headwaters of the Mississippi river in Minnesota. If it is right for the government to engage in such business or to expend the public funds for such purposes, there is no region where reservoirs could be more profitably constructed, that is, with a view to the benefit of the people of the vicinity than in the inhabited regions of the Rocky mountains.

Here where water is so scarce at certain seasons of the year, at others it runs to waste and sometimes worse than waste. Great reservoirs can be constructed with comparatively small cost which would be safe and would supply fluid to irrigate large stretches of country now barren or covered only with sage and rabbit brush. That could be brought under cultivation and made productive of vast quantities of vegetation. Fruits and cereals could be grown upon it as well as food for animals.

Passing by the question of government construction of reservoirs, it is remarkable that more of them have not been built here by personal or corporate effort. They ought not to be made in the canyons where the bursting of a dam would involve the destruction of property if not of life. But there are natural depressions on benches at the foot of the mountains, where a little work would form safe reservoirs and to which water could be conducted in late winter or early spring for irrigation purposes. This ought to receive attention from moneyed and enterprising men, and the reservoir question should be thoroughly investigated and widely agitated in reference to the Territory of Utah.

Religious Parliaments. In these times of congresses and conferences, it is quite fitting that the world of religion should have its share of popular parliaments and convocations. At the World's Fair there is to be a great convocation of religious representatives from many parts of the world. It is to be hoped that the assembly will be sufficiently harmonious to preserve order, and that the rancor which is so frequently developed by theological controversies will be suppressed, if it cannot be banished from the breasts of the participants.

It would be better to have statements of the salient principles of each religious body presented than to permit debates on the doctrines involved. Questions with a view to making clearer the points put forth will be proper, but not even that would be profitable if asked in order to perplex or provoke anger.

Some of the leading lights of the Church of England, "as by the law established," have signified their disapproval of the parliament and their disinclination to participate in it, because it would be tantamount to placing their creed on a level with heathen and pagan forms of faith, and imply that there is a doubt as to the relative merits of the Christian and Oriental religions.

That appears to be a very narrow view of the matter, and suggests the opposite idea, that those high ecclesiastics may fear the comparison that would be made between their forms and dogmas and the views entertained by orthodox believers. The contrast might not be altogether favorable to the thirty-nine articles and the ceremonial and authority of Anglicanism.

In a parliament of religions such as that proposed, it would seem that all the modern sects and ecclesiastical organizations should be fairly represented, and that each should be equal to the others in opportunity to make a plain statement of its belief, without any wrangling, ill-feeling or supercilious claim to superiority.

There is to be another great religious gathering at the opening of the twentieth century. Plans are being formulated to prepare for the celebration of the Christian centennial. It is proposed to hold it in Jerusalem in the year 1900. It is a novel idea, and one that will strike a great many people as grand and attractive.

At Independence Hall, Philadelphia, on the next Fourth of July, resolutions will be reported to a meeting then and there to be held and what is adopted will be submitted to the parliament of religions at the World's Fair. If the proposition meets with favor, the Christian world will hold high jubilee at Jerusalem as a fitting celebration of the opening of the twentieth century of the Christian era.

Withdrawing a Resignation. As soon as the news of the resignation of Delegate RAWLINS was received in this city, the propriety of his withdrawing that resignation was discussed. That brought up the question of the power of a member of Congress to withdraw a resignation filed with the clerk of the House of Representatives and sent to the Governor.

Since then positive ground has been taken by some members of the bar and of the press that a resignation once tendered is irrevocable. It has been compared to an egg once laid and a finger once out. Putting these similes aside as inapplicable to this case, we will say that we have seen no good reason yet to take this extreme view of the matter, nor do we believe it is tenable.

In the first place, the newly-elected delegate has not yet taken the oath of office. He has not been installed. Can he resign a position which he has not entered upon? Can he put off robes which he has not put on? That is a matter of dispute.

If it be contended that he is the delegate from the day of his election or of receiving the certificate of his election, and that his name is ready to be enrolled or is enrolled on the list of members of the House, then the question arises, is he not the delegate until his successor is elected and qualified? If so, has he not the power, seeing he is still the delegate, to retract the step he took, at any rate before notice of a special election shall have been issued by the governor? If he could lawfully tender his resignation, can he not legally withdraw his tender, pending any formal action in relation to it?

Resignations have been offered and withdrawn in numerous instances, in the case of officers in private corporations and of incumbents of public offices. Two selections in this country resigned, but they served out their terms and then fought to keep out their elected successors. There is nothing in good reason why a public officer cannot withdraw a resignation as well as could a private officer or employee.

But it will be argued this is a legal question, and seeing that his resignation has been filed, can the clerk of the House act in a judicial capacity and receive his withdrawal and act upon it? This provokes another question: Can the clerk of the House receive a resignation and act upon it? If so, why can he not receive the withdrawal and stop or suspend action.

The fact is, the clerk of the House has received no "resignation" from the Delegate. All he had to do act upon was a

notice from the Delegate that he had forwarded his resignation to the Governor of Utah. So the resignation is not filed with the clerk of the House, and until Governor WEST receives it, a withdrawal should be at least of equal force with the letter of resignation, and, in our opinion, can be legally and rationally accepted as nullifying the previous attempt. The withdrawal being filed before the resignation is received will take precedence of it or neutralize its effect.

The turning point is with the Executive of the Territory, not with the clerk of the House. If Governor WEST takes official notice of the withdrawal he may clearly refrain from acting on the resignation. If he had issued notice of a special election before being notified of a withdrawal, that would have been tantamount to a tacit acceptance of the resignation. But if the Governor does not accept the resignation, the clerk of the House may be notified of a withdrawal and there is nothing to prevent his refraining from any action whatever in the premises.

Finally, a resignation is never perfect until it is accepted, either formally or by some action that implies its acceptance. In this case no acceptance has been indicated in any way, and therefore a withdrawal is in order and besides the Governor it rests with Mr. RAWLINS whether or not he will serve the people of Utah as Delegate in Congress.

The Legal View.

A vacancy in the office of Delegate in Congress may be caused by death, resignation or incapacity, or by a failure to elect at the time prescribed by law. The time for holding a special election to fill a vacancy may be prescribed by the laws of the territory where it occurs.

In this territory a special election to fill a vacancy in the office of Delegate is to be called by the Governor within twenty days after he has received notice of such vacancy.

There is no form provided by which notice of a vacancy is to be served on the Governor, nor does the law, either of Congress or of the territory, prescribe by whom such a notice shall be given. The law is also silent as to the acceptance or rejection of a resignation. A vacancy must exist, and notice of it must be received by the Governor before he can take action as to the filling of the vacancy.

Does a vacancy exist when the incumbent, after sending his resignation to the governor by letter and previous to its reception, interposes his withdrawal of the resignation? If not, the governor may not call a special election in his case. The notice is to be that there is a vacancy. If the withdrawal is equal or superior to the resignation there is no vacancy, therefore there can be no legal special election.

In the absence of any statutory provision as to the acceptance of the resignation of a public officer, the common-law rule will prevail. There is no such provision in the laws of Utah nor in the laws of Congress. Under the common law no resignation is complete without its acceptance. And as notice of a vacancy is to be served on the governor, it devolves on that functionary to take formal action as to the acceptance of the resignation which causes the vacancy.

A notice from the Governor of a special election to fill a vacancy in the office of Delegate would be equal to a formal acceptance of the resignation which caused the vacancy. Until some acceptance is formulated the resigning officer is still the incumbent. He cannot alone rid himself of the responsibilities of the office.

The legal theory is that the rights of the people must be protected as well as those of individuals who are elected to office. After entering upon the office they cannot vacate it without the consent of the people or some one officially representing them. When a state or territory provides for resignation at the will of the incumbent without formal acceptance that law will rule, but otherwise the common-law principle holds that a resignation without acceptance is incomplete and therefore void.

Lest there might be some dispute as to these propositions, we will cite some authorities bearing directly on the question. In the case of Edwards vs. United States in error to the Circuit Court of the United States for the Western district of Michigan (see 103rd United States reports) Justice BRADLEY delivered the opinion of the court which ruled that:

"The common-law rule is in force in Michigan, that the resignation of a public officer is not complete until the proper authority accepts it, or does something tantamount thereto, such as to appoint a successor."

The reason why this common-law rule prevailed in Michigan was that, as in the case of Utah, there was no statutory provision on the question involved. In arguing the matter Justice BRADLEY said:

"As civil officers are appointed for the purpose of exercising the functions and carrying on the operations of government and maintaining public order, a political organization would seem to be imperfect which should allow the depositaries of its power to throw off their responsibilities at their own pleasure. This certainly was not the doctrine of the common law. In England a person elected to a municipal office was obliged to accept it and perform its duties, and he subjected himself to a penalty by failing to do so. An office was regarded as a burden which the appointee was bound in the interest of the community and of good government to bear, and from this it followed of course that, after an office was conferred and assumed, it could not be laid down without the consent of the appointing power. This was required in order that the public interests might suffer no inconvenience for the want of public servants to execute the laws."

A large number of authorities were cited by the court and continuing, the justice said:

"In this country where offices of honor and emolument and commonly more eagerly sought after than shunned, a contrary doctrine with regard to such offices, and in some states with regard to offices in general may have obtained; but we must assume that the common-law

rule prevails unless the contrary be shown."

"It seems to us apparent that the common-law requirement—namely that a resignation must be accepted before it can be regarded as complete—was not intended to be abrogated. To hold it to be abrogated would enable every office holder to throw off his official character at will and leave the community unprotected. We do not think that this was the intent of the law."

In Hoke vs. Henderson, decided in 1832, Mr. Chief Justice Ruffin, speaking for the supreme court of North Carolina, said:

"An officer may certainly resign, but without acceptance his resignation is nothing, and he remains in office. It is not true that the office is held at the will of either party. It is held at the will of both. Generally resignations are accepted; and that has been so much a matter of course with respect to lucrative offices as to have grown into a common notion that to resign is a matter of right. But it is otherwise. The public has a right to the services of all the citizens, and may demand them in all civil departments as well as in the military. Every man is obliged, upon a general principle, after entering upon his office, to discharge the duties of it while he continues in office, and he cannot lay it down until the public, or those to whom the authority is confided, are satisfied that the office is in a proper state to be left, and the officer discharged."

In view of these authorities it seems clear that the Governor, representing the people of this territory, may withhold acceptance of the resignation tendered, in consideration of the very general expression of the people who elected Mr. RAWLINS that he shall withdraw it. And if that withdrawal is interposed before reception of the resignation, that appears to strengthen his position if he decides not to recognize a vacancy in the office. We agree with the proposition that "what is done must be legally done," and we have no doubt the Governor will be sure he is right before he goes ahead.

LITERARY NOTES.

THE MAY FORUM.

The May Forum contains unique articles by eminent writers on three topics of vital absorbing interest—Monsignor Salotti's mission to America, the Toledo labor decisions and the Russian extradition treaty. In "The Pope in Washington" Bishop John H. Vincent recites the dangers which the Protestant clergy apprehend from the extension to this country of the personal papal power. Leonard Woolsey Bacon, in "An American Viceroys from the Vatican," discusses from a liberal standpoint the effect on American institutions of Pope Leo's visit to America, the United States; and Dr. James F. Laughlin in "Rome a True Ally to the Republic," defines and defends the Catholic attitude. Aldace E. Walker, chairman of the Western Traffic association commissioners, analyzes exhaustively the recent important ruling in federal courts by Judges Ricks, Felt, Billings and Soper, maintaining that the boycotting-by-law is clearly illegal, and Colonel Carroll D. Wright, United States commissioner of labor, writes conclusively on "Compulsory Arbitration an Impossible Remedy." Many other articles fill out a timely, varied and interesting bill of fare.

STORIES FROM THE HARBIS

By Abraham S. Isaacs, Ph. D. Charles L. Webster & Co., 67 Fifth Avenue, New York. Price, \$1.25. The "Talmud" is not merely a collection of legal and theological documents, but a literature extending over nearly 1,000 years. The teachers of that day also taught in parables, a form of instruction suited to the oriental mind. The stories we are about to assign to different lands and languages are either echoes from the Talmud or plants indigenous to many soils. We find among these legends Faust and Margaret, Mephistopheles, Rip Van Winkle and Munchausen in somewhat altered guise. There are legends of Solomon, some of which are also told in the "Arabian Nights" and of Elijah, and the book ends with "a string of pearls" of smaller size contributed by many rabbis.

"ELIZABETH, CHRISTIAN SCIENTIST." This novel, by Matt Crim, is somewhat different in character from the previous works of fiction by the same author. It deals with the experiences of a beautiful and highly religious girl who goes from her home in among the mountains of North Carolina out into the world to convert the race to a belief in her doctrine. Her adventures and the final proof of her mission is as truly to make one man happy as to convert to her belief the basis of the story. It is told in a charming way and sets forth the true spirit and spirit of Christian science in a manner that is apt to do away with many false impressions.

Sunday Sayings.

Troy Press: The men who gather up the collections are expected to take at least a passing interest in religious matters.

Detroit Tribune: "Is your new minister and eloquent man?" "Well, not if you compare him with my barber."

Puck: St. Peter—Did you try to live up to the Golden Rule?—Yes; I tried to do others before they did me.

Shoe and Leather Reporter: There are said by statisticians to be about 420,000,000 Christians in the world. Nevertheless, it isn't safe to lose sight of your umbrella, even for a moment.

Atchison Globe: There are men who go to church twice a day to encourage the minister, who should stay at home occasionally, and take care of the baby, to encourage their wives.

Life: The Rev. Pushley Moulter (at the telephone)—Hello! Is that the Herald? Well, say, I'd advise you to send a reporter to Mr. Rev. Pushley Moulter's church tomorrow. I hear he's going to preach a ver-deal of a sermon.

Celestial Chorister—Does not your harp suit you?

Angelic Spirit (just arrived)—No! It is not made by the firm whose instruments I am accustomed to using.—I won't play!—Chicago Tribune.

Young minister—What can we do to make our services sufficiently interesting to draw in the non-churchgoing?

Denoon (scratching his head thoughtfully)—I dunno of anything except to do away with the sermons and substitute a service of song.—New York Press.

Puck: The Pastor—Miss Ethel, you should be engaged in some mission-ary work. Miss Ethel—Oh, I am, and have been for some time past. The Pastor—I'm so gratified to hear you say so; in what field are you engaged? Miss Ethel (proudly)—I'm teaching my parrot not to swear.

Great sale of dress goods and silks at Walker Bros. & Fyler Co. Next week, begins Monday morning.

For the Rio Grande Western trains on May 18, excursion tickets will be sold to Denver at \$25 for the round trip, tickets good until June 3. This will afford a delightful vacation at low rates via the great scenic highway.

You have noticed

that some houses always seem to need repainting; they look dingy, rusted, faded. Others always look bright, clean, fresh. The owner of the first "economizes" with "cheap" mixed paints, etc.; the second paints with

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The first spends three times as much for paint in five years, and his buildings never look as well. Almost everybody knows that good paint can only be had by using strictly pure White Lead. The difficulty is lack of care in selecting it. The

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For sale by the most reliable dealers in paints everywhere. If you are going to paint, it will pay you to send to us for a book containing information that may save you many a dollar; it will only cost you a postal card to do so.

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